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Food and Agricultural Import Regulations and Standards

Country Report

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Report Highlights:

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Section (s) Updated: The majority of sections were updated to reflect recent changes on Venezuela's regulations and standards. In addition, since February 2003, the Government of Venezuela implemented foreign exchange control and price control for basic food products. Import tax exonerations are granted for certain food products as well as seeds and livestock breeds. This trend is likely to continue, as the government gets more involved in the food distribution system. While there are a large number of government institutions involved with both the registration and importing procedures and the process is discretionary and cumbersome, this market continues to be an excellent opportunity for US exporters.

Includes PSD Changes: No
Includes Trade Matrix: No
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FOOD AND AGRICULTURAL IMPORT REGULATIONS AND STANDARDS (FAIRS)

“This report was prepared by the Office of the Agricultural Affairs of the USDA/Foreign Agricultural Service in Caracas, Venezuela for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY’S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.”

SECTION I. FOOD LAWS

The "Official Gazette" (Gaceta Oficial) is the official legal publication of Venezuela. It was established in 1941 with the name of "Gaceta Oficial" and its purpose is to inform the public about any law, decree, agreement or other dispositions that affects them. It is sold in Caracas, but can be access through the following web page: <http://www.tsj.gov.ve>

Ministry of Agriculture and Land

The Ministry of Agriculture and Law (Ministerio de Agricultura y Tierras or MAT) has the responsibility of promoting harmonic and sustained development of the agricultural and livestock sectors of Venezuela, through the orientation, direction and evaluation of agricultural activities. The laws by which this ministry is ruled are the following:

Sanitary Defense Law

This law was published in the Official Gazette N°20,566 on August 15, 1941 and is aimed at preventing and controlling plagues, illnesses and pests that may affect both animal and plant products, and relates to the study, prevention of diseases, plagues and all other agents that are harmful to animals and vegetables and there products. This norm establishes regulations, conditions and prohibitions for imports and exports of animal and plant products.

Agricultural Marketing Law

This law plans, regulates and oversees all marketing stages was regulates marketing of agricultural products. The broad objectives of the law can be summarized as follows: plans, regulates and oversees all marketing stages of agricultural products and its inputs. It has the authority to fix prices for agricultural products with the intention of preserving national food security. It was published on the Official Gazette N° 37,389 on February 21, 2002.

Law of Seeds

This law regulates marketing and trade of seeds and seed products as well as any new development for new seeds. It was published in the Official Gazette on October 18, 2002.

Andean Sanitary Standards

Alongside its national sanitary regulations and as part of the coordination in sanitary matters between member countries, Venezuela also applies Andean sanitary standards. There is an Andean Sub regional register with approximately 600 national standards. For additional information about the Andean sanitary standards check <http://www.comuidadandina.org>.

Institutions and Dependencies of the Ministry of Agriculture and Lands (MAT)

Through the Autonomous Agricultural Health Service (SASA), the Ministry of Agriculture and Land (MAT) is responsible for quality control and inspection in respect of everything relating to the manufacture, processing, importation, exportation, storage, distribution and marketing of food, biological products, medicaments and animal feed, as well as for the laboratories that control the quality of these products.

This agency is in charge of issuance of the Phytosanitary or Sanitary Health Import Permit for imported products and sub products of plant or animal origin, and animals and plant breeding material.

Ministry of Health and Social Development

The Ministry of Health and Social Development (MSDS) through the Food Hygiene Division, regulates the consumption of domestically produced or imported processed food products, beverages, colors and pesticides.

General Food Regulation (refer as General Food Law)

This norm was published in the Official Gazette N° 25,864 on January 16, 1959 and establishes that MSDS along with MAT must control the quality of food products destined for human consumption. These two ministries must prohibit trade or retire from the market those products that are harmful to human health. This norm describes all requirements that food products need to fulfill in order to be offered to consumers, as well as labeling requirements to be fulfilled. This norm states the obligation of obtaining a registration certificate from the MSDS for imported foods. Complementary norms were established on March 3, 1996 (Official gazette N° 35,921.)

Institutions of the Ministry of Health and Social Development

The National Hygiene Institute (Instituto Nacional de Higiene) is the government's reference lab for all food testing.

Other Institutions Related to Foreign Trade

Ministry of Production and Commerce

Technical standard policy is the responsibility of the Ministry of Production and Trade (MPC), which implements it through the National Autonomous Standardization, Quality, Metrology and Technical Regulations Service (SENCAMER) formerly known as Autonomous Office for Standardization and Quality Certification (SENORCA.) SENCAMER is responsible, under delegation from MPC, with technical standardization, quality control and certification programs and maintains the register of mandatory technical regulations, as well as having national responsibility for metrology. SENCAMER accredits certification and inspection agencies and testing laboratories. In Venezuela, BUREAU VERITAS, AQSR and FUNSEIN are the organizations accredited by SENCAMER for certifying products and quality systems. The Fund for Standardization and Quality Certification (FONDONORMA) is no longer authorized to certify products and quality systems.

Institutions of the Ministry of Production and Commerce

SAPI, the Intellectual Property Registration Service (Servicio Autónomo de de la Propiedad Intelectual--SAPI), under MPC, is the body responsible for the administration of intellectual property rights in Venezuela. SAPI has two main operational branches: the Industrial Property Registration Directorate (DRPI), responsible for administering the granting of patents, utility models, industrial designs, breeder certificates (for plant varieties) and integrated circuit certificates and the registration of trademarks, trade names, commercial slogans and appellations of origin; and the National Copyright Directorate (DNDA), with administrative responsibilities for registration, monitoring and inspection in connection with copyright and related rights.

Ministry of Foreign Affairs

The Ministry of Foreign Affairs works with the President of Venezuela and coordinates with MPC, MAT and MSDS in the formulation of international policies, direction of international affairs and celebration of agreements and other international conventions. It carries the responsibility of supporting commercial negotiations and offering assistance in dispute settlements.

National Tax Authority

The National Integrated Tax Administration Service (Servicio Nacional Integrado de Administración Tributaria--SENIAT) administers custom services and is responsible for the surveillance and control of imported and exported products through the borders and ports of Venezuela, and the assessment and collection of import duties and taxes. The Organic Law of Customs and its respective regulations direct all activities carried out by SENIAT.

SECTION II. LABELING REQUIREMENTS

a. General Requirements

The General Regulation for Foods, the Sanitary Defense Law and the COVENIN standards provide labeling requirements for processed food products. This law applies equally to domestic and foreign suppliers. The label must include the following information:

- Descriptive name of the product.
- Brand name or trademark.
- Net weight (grams) or net content (liters).
- List of ingredients in decreasing order.
- Manufactured by (name of company) in (name of city, state, country).
- Imported by (name of importer/importing company).
- Special handling requirements, if any.
- Any other requirement stated by COVENIN norms, General Food Law or special requirements ordered by MSDS.
- The MSDS Registration Number.

Specific Instructions

Detailed instructions for preparation or use should be given in Spanish.
Net content and drained mass (net weight) has to be declared in Metric System.
Specific storage requirements to keep the product safe must be included.

Temperatures

Oven temperatures must be indicated in both Celsius and Fahrenheit degrees.

Baby Foods

Venezuelan health authorities are sensitive about modified food starches used in food products intended to be consumed by infants and children. Therefore, to save time in the registration of such products, it would be helpful to note what process is used in the modification of the starch.

Seasonings and Flavorings

For registration purposes, it is convenient to specify the names of spices used as seasoning. Also, specify ingredients used in flavorings.

Language

Spanish is the official language of the country. All labels should be presented in Spanish. Imported products may have labels in foreign language with the respective translation in Spanish, in the same form and characters, and containing all previously listed requirements. The foreign label must be applied prior to export, because the product has to enter the country in its final presentation. Previous to authorization by health authorities, a label with all information in Spanish may be affixed to the English version label (includes stickers.)

Additional Comments to the Labels

Health authorities may require the elimination or modification of any paragraph or phrase concerning a particular product, as well as recommend the addition of any paragraph or phrase they deem necessary. Health claims are subject to MSDS consideration and final approval on a case-by-case basis.

b. Requirements Specific to Nutritional Labeling

Nutrient labeling is voluntary in Venezuela; hence it is up to the individual company to indicate nutrients on the label in terms of recommended dietary allowances. The following information must appear on labels for processed foods:

- Cooking or preparation methods (optional for products in institutional-size containers).
- The SNML registration number (metrology registration).
- The MSDS registration number (health registration).

Percent composition of protein, fat, carbohydrates, moisture and any other substance established by health authorities is required only on the labels of FOOD FOR SPECIAL DIETARY USE (See "Gaceta Oficial" No. 31.106 dated November 9, 1976. Also, see "Reglamento General de Alimentos".)

The following additional information must appear on labels for processed foods that are marketed for specific dietary use:

- Energy value, protein content, digestible carbohydrate content, and fat content.
- Amounts of any nutrients claimed to have special nutritional value.
- For proteins, carbohydrates, and fats nutrient content must be expressed in grams.
- For vitamins A and D, nutrient content must be expressed in international units.
- For all other vitamins and minerals nutrient content must be expressed in milligrams or micrograms.
- Energy values must appear in calories.

It is preferable that nutritional information be expressed as a percentage of the recommended daily requirement set by the National Nutrition Institute (Instituto Nacional de Nutrición-INN). Recommended Daily Intake (RDI's) may be different from those in the United States. U.S. exporters should contact INN for a complete listing of recommended daily requirement.

SECTION III. PACKAGING AND CONTAINER REGULATIONS

In general, packaging and container regulations are based on COVENIN standards and follow Codex Alimentarius guidelines. Sound manufacturing, storage and transportation practices for foods of human consumption were established by the MSDS, according to the official gazette N° 36,081, of July 11, 1996. Containers, vessels, canning, bottling and packing materials used to handle inputs or finished products should meet the following general requirements:

- Manufactured with materials suitable for that kind of food, glass, tin, plastic, paper or cardboard, or another material approved by the sanitary authorities.
- Must not transmit substances objectionable to the food beyond the allowed limits under the standards in-force.
- Shall not have been previously used for any different purpose that might contaminate the food to be packed.

Most recently, the Agricultural Marketing Law (Ley de Mercadeo Agrícola) called for establishing norms referred to quality, reception, packaging systems, packing, labeling and classification of agricultural products and others, based on the Codex Alimentarius (article No. 32 of the Agricultural Marketing Law.) As these norms are not yet established, it is generally understood that previous norms are still valid.

SECTION IV. FOOD ADDITIVE REGULATIONS

General definitions concerning food additives and contaminants are contained in COVENIN norm #910. Additive and contaminant tolerance levels are specified in individual COVENIN food standards. In the case of imported products that do not have a related mandatory COVENIN norm, additives are approved on a case-by-case basis by MSDS through the health registration process using COVENIN standards for similar products. In the absence of a relevant COVENIN standard, the Codex Alimentarius is used (there are some food additives authorized by the Food and Drug Administration in the United States that are not authorized in Venezuela and vice versa.)

Maximum radiation tolerances are contained in the Official Gazette dated July 30, 1987, in MSDS Resolution No. G-869, as follows:

Radioactive Element	Milk	Other Foods
Iodine 131	170 Bq./liter	300 Bq./Kg
Cesium 134 + 137	250 Bq./liter	300 Bq./Kg
Strontium 90	11 Bq./liter	52 Bq./Kg

Additive and other contaminant tolerances are subject to modification, usually in order to reflect changes in the Codex Alimentarius.

When monosodium glutamate (MSG) is used, it would be useful for registration purposes, to specify the level used.

When nitrite and nitrate are used (sausages, ham, meat products in combination with other foods), the total level of these additives must be indicated.

For registration purposes only, artificial colors and flavors must be specified and identified. All artificial colors and flavors used in the formulation of the products must be registered with

the Ministry of Health. Also, for registration purposes, the source of origin of the natural flavor must be indicated.

US exporters can research the updated mandatory COVENIN food standards through SENCAMER web page: <http://www.sencamer.gov.ve>. The following is the list of mandatory standards (English copies of the norms are not available.)

LIST OF MANDATORY COVENIN FOOD STANDARDS

Product	Norm Number	Gazette Number	Date Published
Cocoa beans	050	4963	09/07/95
Chocolate	052	36780	09/06/99
Coffee, toasted or ground	046	4917	06/01/95
Coffee, instant or soluble	1643	4917	06/01/95
Butter	120	4917	06/01/95
Dairy cream, industrialized	677	33058	09/07/84
Milk, pasteurized	798	4917	06/01/95
Infant formulas	909	36221	06/05/97
Milk, extended shelf life	1205	4735	06/15/94
Milk, dried	1481	5126	12/30/96
Cheese, yellow	1538	35352	12/02/93
Cheese, general	1813	35352	12/02/93
Milk, sweetened, condensed	2179	4917	06/01/95
Ice cream and mixes	2392	4963	09/07/95
Yogurt	2393	35468	12/02/93
Cheese, Muster	2847	35352	12/02/93
Cheese, Parmesan	2848	35352	12/02/93
Cheese, Provolone	2849	35352	12/02/93
Cheese, Brie	2850	35352	12/02/93
Cheese, Gouda	2851	35352	12/02/93
Cheese, Edam	2852	35352	12/02/93
Cheese, Fymbo	2853	35352	12/02/93
Cheese, Danbo	2854	35352	12/02/93
Dairy Cream, retail	3046	35372	03/01/94
Lactovisoy (soy milk)	3359	36635	02/03/99
Whey (sweet and in powder)	3495	5486	08/31/00
Edible oil, general norm	030	35352	12/02/93
Sesame Oil	031	35352	12/02/93
Peanut Oil	032	35352	12/02/93
Cottonseed Oil	033	35352	12/02/93
Edible vegetable fats	069	35352	12/02/93
Margarine	070	4735	06/15/94

Mayonnaise	090	4735	06/15/94
Olive Oil	742	4917	06/01/95
Corn Oil	742	35352	12/02/93
Soy Oil	744	35352	12/02/93
Palm Oil	2184	35352	12/02/93
Coconut oil	2185	35352	12/02/93
Palm Kernel oil	2192	35352	12/02/93
Canola Oil	3125	4917	06/01/95
Sunflower Oil	1272	36780	09/06/99
Palm Oil	2593	5524	03/28/01
Orange juice	1699	4917	06/01/95
Orangeade	1701	35372	01/03/94
Orange, drink w/pasteurized juice	1702	32470	05/10/82
Orange, juice, frozen concentrate	2264	4917	06/01/95
Grapefruit juice	3005	35352	12/02/93
Fruit Canned	3031	35352	12/02/93
Wheat Flour	217	35453	05/04/94
Bread	226	34230	05/30/89
Pasta products	283	35453	05/04/94
Cereals, baby	1452	35372	01/03/94
Rice, white	1641	34582	10/29/90
Wheat, semolina	1946	34207	04/27/89
Corn Flour, pre cooked	2135	36044	09/16/96
Rice Flour	2300	35352	12/02/93
Oats, flakes	2383	34353	11/23/89
Frozen dough	3191	35894	02/05/96
Corn Flakes	2498	25547	02/23/99
Sausages, cooked	412	35894	02/05/96
Salami, cured	1410	35420	03/14/94
Ham, cooked	1602	5126	12/30/96
Ham, deviled	1784	34603	11/27/90
Mortadela	1944	35352	02/12/93
Creole sausages, dried	2070	35420	03/14/94
Creole sausages, cooked	2126	5126	12/30/96
Ham, compressed, cooked	2355	35352	12/02/93
Luncheon meat	3124	4917	06/01/95
Salami, cooked	3279	2511	06/05/97
Corned beef	2069	37020	08/23/00
Hamburgers	2127	36635	02/03/99
Luncheon meat	2180	37020	08/23/02
Ham, cured	2279	5486	08/31/00
Liver, paste	2751	36455	05/18/98
Eggs, fresh	1507	34230	05/30/89
Chicken, dressed	2343	34230	05/30/89
Poultry sausages	2593	35894	02/05/96
Poultry breast,	3305	36298	09/24/97

cooked			
Shrimp, frozen	453	34230	03/14/94
Sardines, canned	1087	5036	01/11/96
Tuna, canned	1766	5036	01/11/96
Baby clams, canned	1947	4765	08/10/94
Fish, dried and salted	2394	4765	08/10/94
Fish, pulp	3086	4765	08/10/94
Sugar, refined	234	35894	02/05/96
Sugar, raw	235	4772	08/26/94
Candies	3341	36455	05/18/98
Table salt	179	4963	09/07/95
Tomato juice	072	5036	01/11/96
Tomato puree	073	5036	01/11/96
Tomato sauce (ketchup)	075	5036	01/11/96
Mustard, prepared	161	34353	11/23/89
Baby Foods	2005	4917	06/01/95
Peas, canned	3015	35352	12/02/93
Sauce, based on tomato	3610	5524	03/24/01

SECTION V. PESTICIDE AND OTHER CONTAMINANTS

A General Pesticide Regulations (Reglamento General de Pesticidas) was established by Decree N° 1150 of July 9, 1968. Codex Alimentarius pesticide residue tolerances are generally accepted as the standard by domestic food companies and distributors of imported processed foods. No governmental agency has been given the responsibility or authority to monitor pesticide residues in foodstuffs.

The Ministry of Agriculture and Lands (MAT) will temporary retain agricultural products suspected of being contaminated with pesticides or similar products. If analysis carried out by MAT proves this to be the case, the Ministry will order there destruction and no indemnification will be granted.

SECTION VI. OTHER REGULATIONS AND REQUIREMENTS

Phytosanitary Permit and Sanitary Health Import Permit (for vegetable and animal products)

Prior to importing, importers must obtain a Phytosanitary Permit or Sanitary Health permit (depending on the product) from SASA. Import permits have a non-renewable period of validity of between 60 and 90 days, depending on the product. Sanitary health import permits are issue for animal products and livestock-farming inputs (validity of 60 days). Phytosanitary import permits are issue for plant products (validity of 90 days).

Importers must present to SASA the following documentation in order to obtain the import permit (Phytosanitary or sanitary):

- Pro forma invoice
- Payment receipt of the import request fee at different local banks
- Country of origin certificate
- Phytosanitary or sanitary certificate, issued in the country of origin by the competent authority

SASA will review the documentation provided and will grant the phytosanitary or sanitary import permit. If the documents are not correct, SASA will not issue the import permit. In the case of phytosanitary and sanitary import permits, SASA will indicate treatment and conditions to be met by the product before entering the country, depending on pre-established regulations and norms.

Product Registration

Another requirement for the importation of animals and animal products or by-products is that the producer, exporter or importer also registers with SASA. The validity of the registration is indefinite, but it can be cancelled due to non-compliance with dispositions stated by pre-established laws and regulations.

Importers Registry

Between October 1999 and August 2000, every importer of products of animal origin and livestock-farming inputs had to be enrolled in the SASA's Single Register of Importers. This register was abolished on 31 August 2000 (Official Gazette, Special Edition, No. 5.486).

Notes to the Phytosanitary and Sanitary Health Import Permit

SASA is authorized to restrict or prohibit the importation, marketing or use of a product, provided there are no sanitary reasons preventing it from doing so. SASA's Standing Technical Advisory Body will recommend and indicate the appropriate course of action on the basis of a risk analysis.

Product Health Registration (for processed food products and additives)

Foods not registered in the country of origin cannot be registered in Venezuela. With the exception of special cases, such as Government or military sales as determined by the MSDS, all imports new-to-market foreign food products must be submitted for registration before being imported.

All consumer-ready food product (HS codes: 03, 04, 05, 16, 19, 20 and 21) imports must be registered with the MSDS through its Food Hygiene Division (División de Higiene de Alimentos) before they can be sold to the public in Venezuela in accordance with the provisions of Decree No. 989 of November 28, 1995 and subsequent amendments.

Product health registration is valid for five years. After five years, an application may be made to MSDS without cost for renewal of the registration.

Step-by-Step Registration process

It is necessary to do the following steps to complete the health registration process (all costs must be confirmed with the proper authorities):

1. Fill out an application for Health Registration for Food (SIE-5-197).
2. Affix 1,525 Bolivars (approximately \$0.95) in Venezuelan postage stamps to the form.

The following items must accompany the application for the health permit:

- a. A certificate of free sale and consumption issued by competent authorities in the country of origin. The certificate must state that the food is for human consumption, or for processing, or for use as an input, for food for human consumption in the country of origin.
- b. A statement identifying the analysis methodology or set of standards which were used to obtain official approval in the country of origin by the manufacturer or by the company to offer the product for sale to the public.
- c. A letter from the foreign manufacturer, or a power of attorney, authorizing the Venezuelan representative to apply for health registration of the product in Venezuela.
- d. A letter of authorization from the Venezuelan representative, if a third party is requesting the health registration on his/her behalf.
- f. One sample of the food product.
- g. Three copies of the original labels and packages used to market the product in the country of origin.
- h. Three copies of the label in Spanish that will be used in Venezuela.

SAMPLE FORM FOR HEALTH REGISTRATION

* This is an unofficial translation of form SIE 5-197. It may not be used to make application for health registration. Its purpose is solely to present exporters with the information that must be provided to complete the form. To obtain an actual form you must ask for it at MSDS's offices.

Ministry of Health and Social Development (MSDS)
DIRECTOR OF PUBLIC HEALTH
DIVISION OF FOOD HYGIENE

See closely the annexed instructions.
Type or print.

REQUEST FOR HEALTH REGISTRATION FOR FOOD

No. _____

NAME OF REQUESTOR _____
ADDRESS _____

In conformity with the General Food Regulations and other legal standards in force, I request by this form the registration of a FOOD PRODUCT, described below, in the appropriate Registry, as well as the authorization to offer it for human consumption.

COMPLETE NAME OF THE PRODUCT: (1) _____
TRADEMARK: (2) _____
SIZE AND TYPES OF CONTAINERS USED: (3) _____
MANUFACTURED BY: (4) _____
IN: (5) _____
CLASS AND TYPE OF PRODUCT: (6) _____
IDENTIFICATION OF LOT: (7) _____
COMPLETE LIST OF INGREDIENTS USED IN THE MANUFACTURE: (8) _____

PHYSICAL CHEMICAL ANALYSIS: (9) _____

CONDITIONS OF PRESERVATION: (10) _____

SHELF LIFE FOR HUMAN CONSUMPTION: (11) _____

I, _____
of nationality _____, identity document No. _____
address _____
in my character of: (12) _____

declare under oath that the above information is true, that the food product listed will be packaged in containers or packages, and with labels, authorized by the Ministry of Health and Social Development (MSDS), and similar to those of the sample of the product that accompanies this form. Likewise, I declare that the provisional assignment of a Registration number by the Ministry to facilitate the registration process, neither constitutes valid authorization to perform any of the acts anticipated in the General Food Regulations, nor signifies exoneration from fulfillment of any other required rules relative to food. Likewise, I declare that I have remained properly informed of the contents of the instructions that, along with this request, have been supplied to me by this Ministry.

SIE. 5-197

Notes to the Health Registration

1. The Government of Venezuela now accepts sanitary and phytosanitary certificates of imported agricultural goods without having them presented for legalization at Venezuelan Consulates. According to a December 1, 1998 resolution, all imports of vegetable and animal products including parts thereof, sub-products and others do not need to be shown at any Venezuelan Consular Authority.
2. Import documents, except for certificates of origin, do not need to be translated into Spanish for customs clearance.
3. All documents, other than sanitary and phytosanitary certificates, issued outside of Venezuela must be presented at a Venezuelan Consulate in the country of origin to be authenticated. These documents are valid for one year after the date of authentication.
4. Products not manufactured in Venezuela must also be accompanied by a certificate of free sale and use issued in the country of origin, with a period of validity of 12 months from the date of the application.

Control of products at retail/wholesale distribution levels

If an imported product does not meet the minimum quality standards or does not have a health registration number, it could be confiscated or and destroyed by MSDS authorities. Inspection to point of sales are done by MSDS officials on a regular basis to determined if imported products are to be unfit for human consumption, has insufficient shelf life, or is thought to have been adulterated.

Samples for Registration Process

As part of the health registration process, the U.S. exporter or Venezuelan importer must submit samples (generally no more than three) of each product/model for which a registration is being sought to an accredited Venezuelan laboratory. It is advisable to mark the package "Muestras sin valor para su registro en el Ministerio de Salud y Desarrollo Social" (Samples without commercial value for registration with the Ministry of Health). Samples without commercial value should meet the following requirements in order to obtain exemption from the payment of import duties, and value-added tax:

- Sender will be the producer of the product, its representative or the authorized exporter
- The addressee shall be a company or an importer with tradition in this activity
- All documentation (commercial invoices, transportation invoices or others) shall contain annotations demonstrating the products are samples without commercial value
- Samples should be identified as samples without commercial value.

Laboratory Testing for Registration Process

Chemical analysis and a complete listing of ingredients, including additives, colors and preservatives, are required. The quality control laboratories must be duly accredited by SENCAMER (see *Other Specific Standards section*) or the correspondingly authorized government entity (ministry, autonomous service or autonomous institute). After the laboratory has completed the tests, it will submit the results directly to MSDS through its Food Hygiene Division (División de Higiene de Alimentos.) The cost of each analysis must be previously consulted for each product.

Pre Inspection

As of September 1, 2003, the Government of Venezuela is requiring the pre inspection of all products shipped to Venezuela (Presidential Decree No. 2,444). This measure is aimed at preventing custom fraud, ease tax collection and expedite the nationalization of the product once at the port of entry. The pre-inspection entails the verification of quantities and quality of products at the port of export, and its classification and valuation under the Harmonized Tariff Code, NANDINA, which is common to Bolivia, Colombia, Ecuador, Peru and Venezuela (for listing of companies performing pre-inspection refer to Annex I.)

Importers shall pay the pre-inspection fee equivalent to 1 percent of the FOB price value of the shipment.

The pre-inspection document which is issued to the Venezuelan office of the pre-inspecting company and to the importer, shall include the following information:

- Place and date of issuance and correspondence serial number
- Place and date in which the inspection took place
- Legal name and address of the exporter
- Legal name and address of the importer
- Tax Identification Number (RIF) of the Venezuelan Importer
- Serial Number and issuance date of the commercial invoice
- Country of origin of the product
- Country of export
- Port of Export
- Customs office that will process the shipment in Venezuela
- Classification of the product under NANDINA tariff code
- Description of the product exported
- Exchange rate used to price the commercial transaction
- Unit price of the product
- FOB value of the shipment
- Freight cost
- Freight insurance cost
- Container serial number

Exceptions to the Pre-Inspection Procedure

The following criteria will be used to exempt products from the Pre-Inspection procedure:

- Products with FOB value under US\$5,000
- Temporary Exports
- Donations
- Luggage
- Diplomatic Pouch
- Courier Shipments with no commercial value
- Imports done by any of the entities of the Government of Venezuela

Refund coupons or free offers

Refund coupons or free offers from foreign countries are not valid in Venezuela. Therefore, this should be specified on the Spanish version label, or, if the label is printed especially for exportation, is necessary to include information stating that refund coupons or free offers are not allowed in Venezuela. Domestic free offers and coupons are permitted if previously

notified and approved by INDECU. Special remarks mentioning that the promotion has been notified and approved by INDECU should appear on every product.

SECTION VII. OTHER REGULATIONS AND SPECIFIC STANDARDS

a. Exchange Rate Policy

Currency trading was suspended on January 22, 2003 and an exchange control regime is in place since February 5. At that time, the exchange rate was set at Bs/US\$ 1,600. The rate can be adjusted as necessary by an agreement between the Central Bank and the Ministry of Finance, this happened in February 2004. Since then, the exchange rate is set at Bs/US\$ 1,920. Importers must register with the Exchange Control Administration Commission (CADIVI) for formal applications for foreign currency transactions. When approved, the transactions are then liquidated through the Central Bank and finally through commercial banks. A complete list of imported agricultural products that can be imported at the official foreign exchange rate can be found at <http://www.cadivi.gov.ve>. The list should be checked periodically as products are added or removed by CADIVI without previous notice.

b. Price Controls

The Government of Venezuela announced price controls on February 11, 2003 as a complement to exchange controls. The measure affected a broad list of basic food products. For the current list of products subject to price controls see appendix.

c. Tax exoneration for Basic Products

Import tax exoneration was granted for a six-month period for staple products on January 28, 2003 as published on the Official Gazette No. 37,619. The Ministry of Production and Commerce (MPC) will issue a non-domestically produced certificate that will allow importers to bring in food without paying import duties. Certificates of non-domestically produced food products will be issued after on-site visits to processing plants by MPC's officials. This measure has been renewed every six months. Currently, this measure is valid until October 2004. For the current list of products subject to import tariff exoneration see appendix.

d. Cereal Guides

The Government recently issued a new rule for the transport of cereals in the country, with the objective of controlling, verifying and registering all plant origin products. The different state units of the Ministry of Agriculture will issue the new permit or "Cereals Mobilization Guides." This means that all product (cereals) must have the official guides in order to cross state boundaries. Government and military officials will be in charge of checking on product movement. This is similar to the system that is in place for animal movement. The Government stated that the new measures have been put in place in order to prevent smuggling, robbery and unlawful actions taken against producers.

e. Local agent

Although Venezuelan law does not prohibit a foreigner or foreign exporter to register food products, it is a fact of business life that the local agent or importers proceed with registration to facilitate the process. As product registry can be time consuming - up to 6 months - the mere fact that an importer lives in the country greatly facilitates the registry process. The importer can check on the status of registry more easily than can the exporter living thousands of miles away.

It is wise to remember that although an agent may introduce the application for registry, he does not own the registry. Product registration remains the property of the U.S. seller.

Another viable option is to employ the services of a local consultant to register your product. There are experienced consultants that can facilitate the registration of each product, generally at a reasonable fee. Contact FAS/Caracas for assistance.

f. Customs Agent

Since Venezuelan import procedures are cumbersome and involve many steps, most importers use the services of a custom agent. Venezuelan custom brokers typically charge one percent of the CIF value, plus additional charges for document preparation and incidentals.

g. Genetically Modified Organisms

Venezuela follows Andean Community Decisions N° 391 and 345, which establishes a common regime for access to genetic resources. Venezuela published on the Official Gazette N° 5,468 of May 24, 2000 its Biodiversity law (Ley de Biodiversidad Biologica), which creates a national office for biodiversity and the Ministry of Environment and Natural Resources has the authority to oversee all genetically modified organisms (GMO's.) The Seed Law provides a general framework for registering GMO's seeds. However, there are no guidelines for registering genetically modified foods or food products.

SECTION VIII. COPYRIGHT AND OR TRADEMARK LAWS

Venezuela is a member of the World Intellectual Property Organization (WIPO) and a signatory to various international intellectual property agreements. The Andean Common Market regulations for trademark protection, which generally apply in Venezuela, are found in JUNAC, which can be accessed on the Internet at <http://www.sice.oas.org/root/trade/JUNAC/>.

a. Brand Name and Trademark Registration Process

Brand names and trademarks shall be registered through SAPI, the Intellectual Property Registration Service (Servicio Autónomo de de la Propiedad Intelectual—SAPI). A computerized name search for brand names and trademarks is provided by SAPI and is usually followed by the registration process. Approved and registered brandnames are published in quarterly SAPI bulletins. All the documents relating to patents, designs, trademarks, etc. are published in the Industrial Property Bulletin.

b. Name Search

To request a name search through SAPI, the following information is requested:

- Name of the brand
- International classification
- Brand name type name, graphic or mixed
- Contact information of the applicant

The fees for a name search may vary and must be previously consulted. Approval or rejection of a brand name is based on phonetics and spelling matches with brands for similar products and other criteria.

c. Brand Name and Trademark Registration

Specialized law firms in Venezuela normally handle brand name and trademark registrations. The process takes from three to six months to complete. If the brand name is approved, interested parties must file an application for registration (# FM-02) accompanied by a form to verify reception of documents (#FM-09) and a copy of an identification document (passport or Venezuelan identity card). The applicant must pay a fee (variable fees apply). If the brand name includes graphics, the applicant must provide eight label samples (maximum allowable size is 8 cm x 8 cm).

SECTION IX. IMPORT PROCEDURE

The documents needed for customs clearance include:

- Customs declaration of value
- Commercial invoice
- Bill of lading
- Certificate of origin
- Shipment manifest
- Import Pre-Inspection Certificate (issued by one of the authorized companies to perform this)
- Phytosanitary or sanitary certificate-if required
- Import license -if required

A customs agent of Venezuelan nationality must carry out customs procedures. Where a legal entity acts as customs agent, the individuals on its staff should be Venezuelan nationals. Customs clearance is usually handled by private customs agencies. Customs agencies often work closely with the purchasing or logistics managers of the importing Venezuelan company.

All shipments must be made on a direct consignment basis. Customs regulations stipulate that the consignee is the owner of the shipment and is responsible for all customs payments. When an importer either delay or refuse to claim a product arriving in Venezuelan ports, SENIAT will impound goods nor claimed, and, if steep fines and storage fee are not promptly paid, sell the goods at auction.

The Customs Law requires imported merchandise to be held in warehouses while customs procedures are completed. Customs clearance takes two days on average. To simplify procedures and reduce the time taken to clear merchandise through customs, an automation system is being implemented.

In order to clear customs the following procedure should be completed at the port or airport upon arrival of a product:

- A SENIAT officer inspects incoming shipments. The content of the shipment is compared to ensure that it conforms to invoices, packing lists and other shipping documents.
- Products are inspected by MSDS and or SASA officers, as applicable, according to the type of product being imported. MSDS inspects processed products, while SASA inspects animal and plant origin products.
- A SENIAT appraiser compares the declared invoice price with international prices to

monitor for evidence of dumping or tax evasion.

- A customs agent assesses customs, port charges, and taxes; and fills out a liquidation form. (Taxes include a 16.5% valued added--IVA--that is calculated on the basis of the CIF import price, plus port charges-- 1%--plus the agent's fees--approximately 1% of the CIF price--plus any other charges accrued during off loading.)
- SENIAT and port authorities stamp the liquidation form, accompanied by the required MSDS and/or SASA import permits.
- The customs agency deposits the amount due in a SENIAT account in a local bank and presents the deposit slip to SENIAT and port authorities to obtain final clearance.
- The merchandise is released by customs and loaded for local transport under the supervision of National Guard officers, who verify that all the foregoing procedures have been completed.

Control of products at Port of Entry levels

The General Food Law authorizes MSDS, SASA, the National Guard, and port/airport authorities with the power to reject, confiscate or destroy imported food and agricultural products if documentation is incomplete, permits are invalid, the product is determined to be unfit for human consumption, has insufficient shelf life, or is thought to have been adulterated. If the cargo is rejected, it can be temporarily stored at the port of entry at the importer's expense, until the appeals procedures have been completed. In cases in which imports are confiscated or destroyed because they have been judged by competent authorities to be unfit for consumption, importers are not eligible for compensation.

APPENDIX I. GOVERNMENT REGULATORY AGENCY CONTACTS

Services and Agencies Under the Ministry of Health and Social Development**Ministerio de La Salud y Desarrollo Social (MSDS)****División Higiene de Alimentos (equivalent to the Food and Drug Administration)**

Edificio Sur, Piso 3, Ofic. 313

Centro Simón Bolívar, Caracas

Tel: (58-212) 483-1533/484-3066

Fax: (58-212) 483-1533

<http://www.msds.gov.ve>

Director: Dr. Ramón Ernesto Perdomo

National Nutrition Institute

Instituto Nacional de Nutrición (INN)

Avenida Baralt, Edif. INN

El Silencio, Caracas

Tel: (58-212) 483-2506/ 483-3099

Fax: (58-212) 481-2155

Official Quality Testing Laboratory for Food Health Registration:**Instituto Nacional de Higiene "Rafael Rangel"**

Ciudad Universitaria, Detrás Hospital Clínico

Universidad Central de Venezuela

Los Chaguaramos, Caracas

Tel: (58-212) 693-1229/662-5074 (No fax)

Services and Agencies Under the Ministry of Agriculture and Land (MAT)**Ministerio de Agricultura y Tierras (equivalent to the Department of Agriculture)**

Avenida Lecuna, Torre Este, piso 7

Parque Central

Caracas, Venezuela

Tel: (58-212) 509-0445/0121/0111

Fax: (58-212) 574-2432

<http://www.mat.gov.ve>**Servicio Autónomo de Sanidad Agropecuaria SASA (equivalent to the Animal and Plant Health Inspection Service)**

Torre Este, Piso 12

Parque Central, Caracas

Tel: (58-212) 509-0595/ 509-0186

Fax: (58-212) 571-4117

email: SASADGS@hotmail.com

<http://www.SASA.gov.ve>

Autonomous Services Under the Ministry of Production and Commerce (MPC):**Servicio Autónomo Nacional de Normalización, Calidad, Metrología y Reglamentos Técnicos (SENCAMER)**

Av. Libertador, C.C. Los Cedros, P.B.
Caracas

Tel: (58-212) 761-6474

<http://www.sencamer.gov.ve>

Email: secamer@cantv.net

Servicio Autónomo de la Propiedad Industrial (SAPI)

Centro Simón Bolívar, Edificio Norte, Piso 4
El Silencio, Caracas

Tel: (58-212) 481-6478

Fax (58-212) 483-1391

<http://www.sapi.gov.ve>

Email: samanedu@sapi.gov.ve

Director: Eduardo Saman

Metrological Development Fund

Fondo de Desarrollo Metrologico (FDM)

Avenida Francisco Javier Ustariz

Edif. Parque Residencial San Bernardino, Piso 1

San Bernardino, Caracas

Tel: (58-212) 551-54-06

Fax: (58-212) 552-9465

Other Ministries and Agencies**Ministry of Finance****Revenue Administration Autonomous Service**

Servicio Autonomo de Administración Tributaria (SENIAT)

Av. Blandín

C.C. Mata de Coco

La Castellana

<http://www.seniat.gov.ve>

email: asiste@seniat.gov.ve

Exchange Control Administration Commission

Comisión de Administración de Divisas (CADIVI)

<http://www.cadivi.gov.ve>

Ministry of Environment and Natural Resources**National Office for Bio Diversity**

Oficina Nacional de Diversidad Biológica

<http://www.marn.gov.ve>

email: mquero@marn.gov.ve

Director: Dra. Mirna Quero

Tel: (58-212) 408-4785

APPENDIX II. OTHER IMPORT SPECIALIST CONTACTS**National Committee of Industrial Standards and Norms**

Comité Venezolano de Normas Industriales (COVENIN- FONDONORMA)

Edificio Torre Fundacomún, Piso 11 y 12

Avenida Andrés Bello, Caracas

Tel: (58-212) 575-4111

Fax: (58-212) 574-1312

<http://www.fondonorma.org.ve>**Venezuelan-American Chamber of Industry and Commerce (Venamcham)**

Camara Venezolano-Americana de Comercio e Industria (VENAMCHAM)

2da.Av. de Campo Alegre, Torre Credival, Piso 10, Ofic.A, Caracas 1060, Venezuela

Apartado Postal 5181 (Caracas 1010-A)

Telf: (58-212) 263-0833/267-20-76/64-81

Fax: (58-212) 263-20-60

<http://www.venamcham.org.ve>**National Supermarket Association**

Asociacion de Supermercados y Afines (ANSA)

Ave. Principal de los Ruices

Centro Empresarial Los Ruices

Piso 1, Ofic. 116

Caracas 1071, Venezuela

Tel: (58-212) 234-4490 / 235-7558

Fax: (58-212) 238-0308

<http://www.ansa.com.ve>

COMPANIES PERFORMING IMPORT PRE-INSPECTION

Bureau Veritas Services (BIVAC)www.us.bureauveritas.com**Veritas Venezuela, C.A.**

Av. Francisco de Miranda

Edificio EASO, piso 3, oficina G

Chacaito, Caracas

Tel. 58-212-951-1638, 953-8760

Fax. 58-212-951-25-58

Email: veritas@cantv.net**Cotecna Inspection Inc.**www.cotecna.com**Cotecna Inspection Venezuela**

Av. Tamanaco,

Torre 3M,

El Rosal, Caracas

Tel. 58-212-905-6000

Fax. 58-212-905-5999

Email: atencioncliente@cotecna.com.ve

Intertek Testing Services
www.intertek.com

Intertek Testing Services Venezuela

2da Ave. Mirador
Edif. Sargon Palace, oficina 104
La Campiña, Caracas
Tel: 58-212-731-4224
Fax: 58-212-731-4412

SGS Société Générale Surveillance S.A.

www.sgs.com

SGS Venezuela

Av. Diego Cisneros
Edif. Siemens, Torre Norte, Piso 4
Los Ruices, Caracas
Tel: 58-212-232-8344
Fax: 58-212-232-7998

USDA/ FAS CARACAS OFFICE CONTACT INFORMATION

Office of the Agricultural Counselor
American Embassy
Calle F c/c Suapure
Colinas de Valle Arriba
Caracas, 1070, Venezuela
tel. (58-212) 975-88-61
fax. (58-212) 975-7615
webpage: www.embajadausa.org.ve/usda.htm
email: AgCaracas@usda.gov

Agricultural Counselor:
Leanne E. Hogie
U.S. Mailing Address
American Embassy, Unit 4940
APO AA 34037

APPENDIX A. PROCESSED FOODS EXEMPTED FROM SENCAMER REGISTRATION

Beverages, alcoholic
Beverages, non-alcoholic
Cereal products
Chocolate and preparations with cocoa
Cinnamon, ground
Coconut oil, refined
Coffee, ground
Coffee, decaffeinated
Confectionery products, non-chocolate
Corn oil, refined
Dairy products
Eggs, shelled
Food preparations, miscellaneous (sauces, spices, mixes)
Fruits, processed
Grain products
Honey
Margarine
Meat products
Olive oil
Palm oil, refined
Peanut oil, refined
Seafood products
Sesame oil
Soy oil, refined
Sunflower oil, refined
Tea
Vanilla
Vegetables, processed
Vinegar

APPENDIX B. FOODS EXEMPTED FROM VALUE ADDED TAX (VAT)

Live bovine animals
Live Swine
Live Sheep and Goats
Live Poultry
Milk and cream
Butter and other fats
Bird's eggs in shell, fresh, preserved or cooked
Bird's eggs not in shell, and egg yolks
Edible vegetables
Nuts
Meslin flour
Wheat semola
Fats and oils and their fractions
Other animal fats and oils and their fractions, whether or not refined, but chemically modified
Soybean oil and their fractions
Peanut oil and their fractions
Olive oil and their fractions
Other oils
Palm oil
Sunflower-seed oils
Rapeseed, colza or mustard oil
Linseed crude oil, Corn oil, Castor oil, Tung oil, Sesame oil
Sardines
Tunas, skip-jack and bonito
Cane or beet sugar and chemically pure sucrose
Malt extract, food preparations of flour, meal, starch or malt extract
Preparations of infant formula containing soybean flour
Food preparations, derived from the dried milk, dried buttermilk or dried whey
Residues and waste from the food industries; prepared animal feeds

APPENDIX C. FOOD PRODUCTS SUBJECT TO PRICE CONTROLS

Rice
Oatmeal
Corn Flour
Wheat Flour
Pasta
Bread
Beef
Chicken & poultry products
Sardines
Tuna
Corn Oil
Sunflower Oil
Blended Oil
Powdered Milk
Milk, Infant Formulas
Soy Milk
White Cheese
Eggs
Margarine
Peas
Lentils
Black Beans
Refined Sugar
Brown Sugar
Tomato sauce
Bologna Sausage
Salt

APPENDIX D. PRODUCTS SUBJECT TO IMPORT TAX EXONERATION

Pasteurized milk, UTH
Powdered milk
Green peas
Chickpeas
Black Beans
Lentils
White rice
Wheat flour
Corn Flour
Corn Starch
Refined, sunflower oil
Refined, vegetable oils
Sausages, bologna
Sardines
Tuna
Refined Sugar
Infant Formula
Infant Formula, Soy-based
Pasta
Protein concentrates and textured protein substances
Only food preparations of protein concentrates and textured protein substances
Ketchup sauce
Mayonnaise
Soups and broths preparations
Soups and broths preparations, dried
Mineral waters, carbonated soft drinks and "malts"
Beer
Live animals from the breed "Girolanda"
Potato seeds
Green peas for sowing
Chickpeas for sowing
Beans of "Vigna Mungo", "Hepper" or "Vigna Radiata Wilczek" for sowing
Small red beans for sowing
Black beans for sowing
Other beans for sowing
Lentil for sowing
Broad beans for sowing
Other seeds for sowing
Corn seed (white and yellow) for sowing
Rice in the husk, for sowing
Soybeans for sowing
Sunflower seed for sowing
Cottonseed for sowing
Sugar cane seed for sowing